



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: CALPINE CORPORATION et al.,

Debtors.

Case No. 05-60200 (BRL)
(Jointly Administered)

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PORTLAND NATURAL GAS TRANSMISSION
SYSTEM and GAS TRANSMISSION
NORTHWEST CORPORATION,

Plaintiffs,

07 Civ. 9584 (GEL)

-v-

ORDER

CALPINE CORPORATION et al.,

Defendants.
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GERARD E. LYNCH, District Judge:

Two parties that have filed claims in this ongoing bankruptcy proceeding, Portland Natural Gas Transmission System and Gas Transmission Northwest Corporation (collectively, "the Pipelines"), move to withdraw the reference to the Bankruptcy Court with respect to a portion of the Debtors' Plan of Reorganization and with respect to the Debtors' Limited Objection to their claims.

The Court has carefully considered the submissions of the parties and has determined that the motion is without merit, largely for the reasons stated in the Debtors' memorandum of law in opposition to the motion.

In due course, the Court anticipates filing an opinion explaining its reasoning in detail. Given the press of business before the Court, the preparation of an opinion may take some time. There is some urgency to this matter, however, as the pending motion threatens to delay the bankruptcy proceeding, thus potentially costing the Debtors substantial sums if the proceedings extend beyond the expiration of their financing arrangements.

Particularly given that the Pipelines waited until the last minute to file this motion, even though the issues underlying the motion had been known to them for many months, deferring resolution of the motion until the Court is able to elaborate its reasoning would allow a meritless motion to derail the bankruptcy proceedings. See In re Kenai Corp., 136 B.R. 59, 61 (S.D.N.Y. 1992) (withdrawal should not be permitted to become "just another litigation tactic").

Accordingly, the motion to withdraw the reference is denied, and an opinion explaining the Court's reasoning will be issued at a later date.

SO ORDERED.

Dated: New York, New York
December 21, 2007



GERARD E. LYNCH
United States District Judge